December 10, 2007

Pamela J. Chandler, Chief
Site Selection and Environmental Review Branch
Federal Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534

Subject: EPA Review on the Proposed Federal Correctional Complex Draft Environmental Impact Statement (DEIS) in Aliceville, Alabama CEQ #: 20070439; ERP #: BOP-E81040-AL

Dear Ms. Chandler:

Pursuant to Section 309 of the Clean Air Act, and Section 102(2)(C) of the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency has reviewed the subject document. We previously submitted a scoping document on March 26, 2006 and participated in two interagency scoping meetings. The Federal Bureau of Prisons (FBOP) proposes to construct and operate a new prison complex on approximately a 1,500-acre parcel in the Aliceville Area.

The initial phase of the project includes the development of: a medium security prison to house 1,150 inmates and a minimum security prison camp to house 130 inmates and several ancillary facilities such as a prison industry, firing range, warehouses and administrative buildings. Subsequent phases of the Federal Correctional Complex (FCC) will house approximately 1,500 adult inmates and a USP to house 1,000 adult inmates. Full development of the FCC could house up to 4,250 inmates and employ about 800 full-time staff.

This letter provides EPA's DEIS comments and recommendations on the proposed federal prison complex construction project. The following are EPA's comments on air, water and societal issues, water and energy conservation, and pollution prevention measures. These should be considered in the overall siting and design of the facility, where ever practicable.

The proposed project examines a no-action alternative and two alternative site locations: North and South. The central site was removed from further consideration following the submittal of scoping comments reducing the potential project footprint by 518 acres. The remaining sites are 1,270 to 1,283 acres in size, respectively and are located around the Aliceville area. The DEIS identifies the North Site location as environmentally preferred alternative, further reducing the potential impacts by 13 acres.

Air Quality

Radon: Sections 307 and 309 of the Indoor Radon Abatement Act of 1988 (IRAA) directed EPA to list and identify areas of the U.S. with the potential for elevated indoor radon levels. Radon is a naturally occurring gas produced by the breakdown of uranium in soil, rock, and water. Since air pressure inside a building is usually lower than pressure in the soil around the building's foundation, buildings may draw radon in through foundation cracks and other openings. EPA's Map of Radon Zones assigns each county to one of three zones based on its radon potential. Pickens County, Alabama, lies within Zone 2. Zone 2 counties have a predicted average indoor radon screening level between 2 and 4 pCi/L, which equates to a moderate radon potential.

Recommendation: EPA recommends that radon testing should be conducted because radon is a carcinogenic, radioactive gas. In addition, radon-resistant building design should be considered for possible implementation.

Aquatic Resources

Wetland and Waters of the U.S: Wetlands and aquatic resources are present at both the North and South site locations. According to the DEIS, the FCC site contains 101.6 acres (38 wetland areas) at the North Site and 92.33 acres (56 wetland areas) at the South Site. The initial FCC development is expected to impact approximately 6-10 acres of wetlands and aquatic resources. Other aquatic resources such as streams, and their relative permanence, are also included in the impact numbers above.

Based on environmental GIS mapping, it appears that the proposed South site has more aquatic resources (i.e.direct and indirect) present than the North site. The South site is to the east and in relative close proximity to the Tombigbee River and associated tributaries (Aliceville Reservoir segment - watershed 03160106). This segment is listed on the EPA-approved 2006 Alabama 303(d) list for Organic Enrichment/Dissolved Oxygen. Floodplains also appear to parallel the Tombigbee River. The South Site is also in close proximity to the Sipsey River and its tributaries (watershed 03160107) and is listed in the EPA-approved 2006 303(d) list for metals due to lead contamination.

The North Site consists of palustrine emergent, forested/scrub/shrub wetland communities, extensive lacustrine littoral emergent wetlands, several riverine systems and one lacustrine open water system. According to NWI mapping, the most common wetland type occurring at the South Site is palustrine forested broad-leaved deciduous wetlands that are temporarily to seasonally saturated. There are also several small areas of palustrine emergent wetlands in the center of the site. Consequently, the footprint of the proposed prison facility should be minimized to the extent practical and impacts to natural areas associated with the river system should be avoided and minimized.

Avoidance and minimization of wetlands and aquatic resources (streams) should be demonstrated to be in compliance with the 404 Guidelines. Minimizations of discharges

of dredged or fill material and the disposal sites include: alternatives to site configuration or size; avoidance of more valuable wetlands; construction methods; and timing of discharge activity. After impacts are fully minimized, compensatory mitigation (e.g., aquatic restoration, enhancement, creation or in certain circumstances preservation) may be required to offset unavoidable losses. Mitigation should occur in the following sequence of avoidance, minimization, and compensation of unavoidable impacts (see 1990 Army/EPA Mitigation MOA below). Compensatory mitigation cannot be used as a substitute for avoidance of impacts.

Recommendation: EPA supports the selection of the North Site alternative because there appears to be less potential direct and indirect impacts to water resources than the South Site. EPA requests that stream impacts should be characterized and documented in the FEIS based on linear feet. The FEIS should also include the ecological functions and quality of those aquatic resources (i.e, streams and wetlands) that are within the proposed project site boundaries. A standard assessment protocol such as the Mobile District's Compensatory Stream Mitigation Guidelines Standard Operating Procedure (SOP) and the Wetland Rapid Assessment Procedure (WRAP) should be completed to account for the direct, indirect, and cumulative impacts to and mitigation for Waters of the U. S. EPA also requests an opportunity to review the jurisdictional determination following the COE's verification of the BOP's assessment.

Construction of Facility: The Alabama Department of Environmental Management (ADEM) has a NPDES construction general permit (CGP) that covers all land disturbing activities greater than one acre. In addition, all local ordinances and local permits regarding clearing and grading should be secured before start of activities. After permits are secured from the State, all guidelines regarding coverage must be met.

Recommendation: Per requirements of the CGP, a Stormwater Pollution Prevention Plan (SWPPP) should be developed that contains the following elements:

- Project and SWPPP contact information
- Site and activity information, including site map
- Identification of potential pollutant sources
- Description of controls to reduce pollutants
- Maintenance/Instruction procedures
- Records of inspections and follow-up
- SWPPP amendments, SWPPP certification and Cover and Title Page

EPA also recommends that due to the large footprint of disturbed area, that measures be taken to minimize water quality and other environmental impacts due to sedimentation and erosion. These measures include:

- Stabilizing site/areas as soon as possible
    - Get site to final grade and permanently or temporarily stabilize bare soil areas. Additional considerations to minimize impacts include phased clearing and grading to coincide with planned construction activities.
- Protect all slopes and channels

    - Convey concentrated stormwater runoff around the top of slope and stabilize as soon as possible.
- Reduce impervious surfaces and promote infiltration
    - Divert runoff from rooftops and other impervious surfaces to vegetated areas to promote infiltration.
- Control perimeter of site during construction phases
    - Avoid allowing run-off to contact disturbed areas of construction site.
    - Install proper and adequate best management practices (BMPs) to capture sediment before it leaves site.
- Minimize the area and duration of exposed soils

Discharges to Impaired Waterbodies and TMDLs: Although there appears to be no perceived impacts to receiving waters, there are several waterbodies in the project area vicinity currently listed as impaired due to several target pollutants.

Recommendation: Additional consideration is needed to determine potential impacts of the project to these waterbodies, and in particular to those waterbodies where a Total Daily Maximum Load (TMDL) has been developed.

Water Supply: The initial buildout of the FCC will require 300,000 gpd, and full buildout will double the city's current water supply needs to over 900,000 gpd. The DEIS states that a new groundwater well and equipment as well as additional water storage capacity will be required for the development of the FCI. In addition, the city has new monitoring requirements and will need to monitor for harmful disinfection by-products. A booster station and water supply lines from the city's system to the FCI would also have to be constructed.

Recommendation: EPA recommends avoiding and minimizing waterbody crossings associated with the water supply project. The South site will cross the Lubbab Creek, a tributary of the Tombigee River, whereas the North site requires no crossing. Based on water body crossings, the North alternative appears to minimize aquatic impacts.

Wastewater: The proposed project requires 255,000 gpd for the initial FCC and approximately 765,000 gpd following full build out. Aliceville's West Lagoon Wastewater treatment facility will require improvements to the collection and treatment systems. According to the DEIS, the additional nutrients and total suspended solids loading from the FCI wastewater flows would increase the biological loading of the wastewater currently being treated at the West Lagoon system. The increased loads will require a replacement of the lagoon system with a mechanical treatment system. New waste water pump stations and gravity sewer and force mains from the site to the City's connection point will also have to be constructed. In the past, the city of Aliceville's wastewater collection system has had prior NPDES violations.

Recommendation: EPA recommends that monitoring should be conducted to ensure that the new West Lagoon systems are effective at managing the additional wastewater flows without resulting in additional NPDES violations. The FEIS should also indicate

how these proposed improvements will be funded (i.e. federal, state, local) and whether there will be any financial impacts on the area residents (i.e. high low income and minority populations) due to proposed improvements.

Green Infrastructure and Pollution Prevention

Opportunities for Incorporation and Use of Green Infrastructure Concepts: Green building practices should be considered that provide an opportunity to create environmentally-sound and resource-efficient buildings by using an integrated approach to design. Green buildings promote resource conservation, including energy efficiency, renewable energy, and water conservation features. It also takes into consideration environmental impacts and waste minimization; reduces operational and maintenance costs; and addresses issues such as transportation and other community infrastructure systems. Given the historic drought levels facing Alabama and the national energy policy, resource conservation measures that minimize impacts from major federal facilities are important.

Recommendation: The FEIS should document resource conservation and pollution prevention measures that will be incorporated in the project siting, design, and operation of the proposed FCC. EPA's scoping document discussed many of these green building and pollution prevention measures in detail and provided a list of website references. In addition, we can provide a list of Agency subject matter contacts upon request. The FEIS should document measures that will be taken to incorporate green infrastructure and prevent pollution.

Environmental Justice (EJ)

According to the DEIS, the proposed prison sites are located predominately in areas with substantial low-income and/or minority populations. In addition, the inmate composition contained within minimum, medium and high security prisons (the facilities proposed in Aliceville) consist of 40.2, 50, and 54.9 percent minority populations, respectively. Page I-23 states that the "project will generate potential short and long-term benefits to the host community and surrounding regions such as increased revenue to minority and small businesses, wholesale and retail sales opportunities, increased economic development, and job opportunities." Therefore, the project complies with the executive order 12898 on EJ. The assessment appears to be broad and does not provide supporting information that details the magnitude of these benefits and to what extent they are expected to impact minority and/or low income populations. In addition, the DEIS does not discuss any potential adverse impacts associated with the proposed siting on EJ populations.

Recommendation: The FEIS should describe both the beneficial and adverse impacts associated with the siting and construction of the proposed FCC on the affected EJ population. For example, the document should be specific with respect to EJ impacts, including any financial impacts that may result from the project . The FEIS should also provide supporting information on the magnitude of the beneficial impacts (i.e. jobs)

expected by minority and/or low income populations in the project area. The FEIS also should incorporate a table that summarizes project related demographics, including income and race. The table should make the information on pages III-44-48 more readable and comparable.

Based on our review of this project, EPA has assigned a rating of EC-1 (Environmental Concerns, Adequate Information) to the DEIS. Consequently, we recommend that every effort should be made to minimize the environmental impacts to wetlands and waters of the U.S. and to incorporate resource conservation and pollution strategies into the design, siting, and operation of the proposed FCC.

Thank you for the opportunity to comment on this project. If you have any questions or require technical assistance, please contact Ntale Kajumba of my staff at (404) 562-9615.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure: Summary of Rating Definition